Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Security assurances against the use or threat of use of nuclear weapons

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms its view that the total elimination of nuclear weapons and the legally binding assurance that they will never be produced again is the only absolute guarantee against the use or threat of use of nuclear weapons. The Group is of the firm belief that, pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States that have given up the nuclear-weapon option by becoming parties to the Treaty to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

2. The Group of Non-Aligned States Parties to the Treaty stresses that the granting of such assurances by all five nuclear-weapon States parties to all non-nuclear-weapon States parties is a commitment, the fulfilment of which provides an essential security benefit to the States parties to the Treaty and is necessary to strengthen the nuclear disarmament and non-proliferation regime and its credibility.

3. The Group of Non-Aligned States Parties to the Treaty expresses its concern that, in spite of long-standing requests by non-nuclear-weapon States parties to the Treaty to receive legally binding, effective, unconditional, non-discriminatory and irrevocable negative security assurances, no tangible progress has been made in that regard.

4. In that regard, the Group of Non-Aligned States Parties to the Treaty takes note of the unilateral statements by each of the nuclear-weapon States, in which they give very limited, conditional and insufficient security assurances against the use of nuclear weapons to non-nuclear-weapon States parties to the Treaty. It is the view of the Group that such unilateral statements fail to meet any of the requirements of universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons.

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5. The Group of Non-Aligned States Parties to the Treaty recalls that, at successive conferences of Heads of State or Government of the Movement of Non-Aligned Countries and ministerial conferences of the Movement, it has been reiterated that improvements in existing nuclear weapons and the development of new types of nuclear weapons, such as those envisaged in the Nuclear Posture Review of the United States of America, contravene the commitments undertaken by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty.

6. The Group of Non-Aligned States Parties to the Treaty emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals, and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and both the vertical and horizontal sustainability of the nuclear non-proliferation regime and with the broader objective of maintaining international peace and security.

7. The Group of Non-Aligned States Parties to the Treaty reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Recalling the advisory opinion of the International Court of Justice of 8 July 1996 on the legality of the threat or use of nuclear weapons, the Group believes that, pending the total elimination of nuclear weapons, which is the only absolute guarantee against the threat or use of nuclear weapons, the nuclear-weapon States should seriously refrain, in any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty.

8. The Movement expresses its deepest concern over the immediate, indiscriminate and massive death and destruction that would be caused by any nuclear weapon detonation and its long-term catastrophic consequences for human health, the environment and other vital economic resources, thus endangering the life of present and future generations. The Group affirms the importance of humanitarian considerations in the context of all deliberations and efforts in promoting the goal of nuclear disarmament.

9. The Group of Non-Aligned States Parties to the Treaty firmly believes that any use or threat of use of nuclear weapons would be a crime against humanity and a violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law. The Group further believes that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law.

10. The Group of Non-Aligned States Parties to the Treaty reaffirms the validity of the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law".

11. In that regard, while deploring the military and security doctrines of the nuclear-weapon States and the strategic concept for the defence and security of the members of the North Atlantic Treaty Organization, which are based on the use or threat of use of nuclear weapons and which maintain unjustifiable concepts of security based on promoting and developing military alliances and nuclear deterrence policies, the Group of Non-Aligned States Parties to the Treaty strongly

calls upon the nuclear-weapon States to exclude completely the use or threat of use of nuclear weapons from their military and security doctrines.

12. The Group of Non-Aligned States Parties to the Treaty is also of the view that, pending the conclusion of negotiations on universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons, all nuclear-weapon States should fully respect their existing commitments with regard to negative security assurances, which are limited, conditional and insufficient, and should extend these assurances, without any condition and discrimination, to all non-nuclear-weapon States parties to the Treaty.

13. The Group of Non-Aligned States Parties to the Treaty recalls that, in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the parties to the Treaty reaffirmed and recognized that the total elimination of nuclear weapons was the only absolute guarantee against the use or threat of use of nuclear weapons and the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States which could strengthen the nuclear disarmament and non-proliferation regime. The Group expresses its dissatisfaction over the lack of required political will and efforts by the nuclear-weapon States to fully address this legitimate interest. The Group, therefore, calls on the participants in the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in addition to keeping nuclear disarmament as their highest priority, to fully address this legitimate right as a matter of priority.

14. Moreover, the Group stresses that the urgent negotiations on the provision of the effective, unconditional, non-discriminatory, irrevocable, universal and legally binding security assurances by all the nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances should also be pursued as a matter of priority and without further delay.

15. In keeping with the above-mentioned position and in accordance with the decision at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Group of Non-Aligned States Parties to the Treaty calls for the establishment of a subsidiary body on security assurances to consider legally binding, unconditional, irrevocable and non-discriminatory negative security assurances by the five nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty.